

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF AUGUST 19, 2005

(Published August 27, 2005, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
August 19, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, President Ostrow.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

Lilligren moved acceptance of the minutes of the regular meeting held August 5, 2005 and the adjourned session of August 5, 2005. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### **CLAIMS:**

RISK MANAGEMENT (270595)

Tort Claims Summary Report: 2nd Quarter 2005.

#### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270596)

Jones Harrison Residence Project: Preliminary and final approval of up to \$14,500,000 in tax-exempt revenue bonds.

Children's Theatre Company Revenue Bond Project: First Amendment to Disbursing Agreement to amend 2003 bond issuance.

Pokegama Project: Consent to request of American Indian Community Development Corporation to change north element from single family to cluster development.

GRANTS AND SPECIAL PROJECTS (270597)

2004 Consolidated Annual Performance and Evaluation Report: Submit report to US Department of Housing and Urban Development.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270598)

Midtown Global Market in Midtown Exchange Project: Approval of bridge loan.

Karamu West Project: Accept low bid of Belair Builders, Inc. for pollution remediation.

MAYOR AND COUNCIL MEMBER OSTROW (270599)

Neighborhood Revitalization Program (NRP): Income policy providing for reservation of program income generated within neighborhood for future use in the same neighborhood.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (270600)

Kenwood Isles Neighborhood Phase I Plan: Modification #7 reallocating funds for new strategies.

East Harriet Farmstead NRP Plan: Approve Phase II Action Plan.

Shingle Creek NRP Plan: Approve Phase II Action Plan.

Bottineau NRP Plan: Approve Phase II Action Plan.

Marcy Holmes NRP Plan: Approve Phase II Action Plan.

**ELECTIONS (See Rep):**

ELECTIONS DEPARTMENT (270601)

2005 Elections: Approve list of election judges in City; Authorize use of substitutions from eligible list; Authorize use of Absentee Ballot Board and approve list of election judges to serve on that Board.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

ATTORNEY (270602)

Nuisance Night Hearing Program: Receive & File final report; Direct staff to end Nuisance Night Hearing Pilot Program; and Direct staff to adapt the Nuisance Night Hearing Pilot Program to a program similar to the Minor Consumption Diversion Program for livability crimes in the First Precinct.

LICENSES AND CONSUMER SERVICES (270603)

Surveillance Cameras: Ordinance amending Title 13, Chapter 259 of Code to update surveillance technology requirements; clarify minimum standards to assist the Police Department in the retrieval of clear photographic evidence; and to add new license types to those required to install cameras (Off-Sale Liquor, Tobacco Dealers and Food Confectionary).

Licenses: Applications.

TOWN TALK DINER LLC (270604)

Town Talk Diner (2707 E Lake St): Letter to Council Member Schiff regarding application for On-Sale Liquor Class E with Sunday Sales License.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (270605)

EMT Training for Fire Suppression Personnel: Renew and execute amendment #4 to agreement with Hennepin County Medical Center to continue providing training for one-year period.

POLICE DEPARTMENT (270606)

Crisis Intervention Team and Mental Health Initiative: Accept award of \$236,794 and execute agreement with United States Department of Justice to conduct officer training to improve response to citizens experiencing a mental health crisis and purchase less lethal weapons as an option for subduing crisis subjects; and Approve appropriation.

Central Weed & Seed: Accept \$43,096 and execute agreement with Pillsbury United Communities for officer overtime or other police services as deemed necessary to fulfill the auto theft prevention goals; and Approve appropriation.

**POLICE DEPARTMENT (270607)**

Downtown Safe Zone: Execute agreement with Hennepin County to receive up to \$400,000 from the Downtown Council for overtime/buyback for increased enforcement in Safe Zone, including STOP enforcement activities, and special events requiring additional police presence; and Approve appropriation.

Bomb Disposal Unit: Execute Joint Powers Agreement with Minnesota Department of Public Safety to provide reimbursement up to \$100,000 to Police Department for services to other jurisdictions within the State through June 30, 2007; and Approve appropriation.

Liquor Compliance to Reduce Underage Drinking: Accept award of \$4,000 and execute grant agreement with Minnesota Department of Public Safety for enforcement and investigation in Second Precinct to address "party houses" in University of Minnesota area; and Approve appropriation.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (270608)**

Public Works Pilot Safe Driving Employee Recognition Program: Receive and file report.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

**OMBUDSMAN (270609)**

Special Assessment Deferment Application: Approve deferments for street lighting, street improvement, and sewer service line repair for 206 43rd St E.

**PUBLIC WORKS AND ENGINEERING (270610)**

Sale of Vacant City-Owned Land: Approve sale of 248 Hennepin Av to 21st Century Bank.

Minneapolis Water Works Facility: Amend Contract C-19903 with Securitas Corporation to provide armed security guards.

Courtesy Bench Program: Receive and file report, and authorize issuance of Request for Proposals for franchise services.

Midtown Greenway Bridge Over Hiawatha Avenue: Approve layout, and authorize Limited Use Permit Agreement with MnDOT.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING (270611)**

2005 Alley Retaining Wall Restoration Program, FS05#3: a) Order work to proceed and adopt special assessments to reconstruct alley retaining wall at 5341 Girard Av S; and b) Request the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$12,500.

Sidewalk Contracts and Appropriations: a) Amend contracts with Standard Sidewalk, Inc. and Ti-Zack Concrete, Inc.; b) Increase appropriation and revenue for sidewalk construction; and c) Order owner to install a sidewalk at 3530 - 28th St E.

Bid: Accept OP #6476, bid of LS Black Constructors, Inc. for the construction of Chicago Av Plaza, Phase IIB.

**WAYS AND MEANS BUDGET:**

**FINANCE DEPARTMENT (270612)**

2005 - 2nd Quarter Financial Status Report: Receive and File.

**PURCHASING (270613)**

Staff Purchasing Letters: Receive and File.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (270614)**

Master Agreement with Bradley & Guzetta: Authorize amendment increase to the Master Agreement for additional \$300,000.

Legal Settlements: a) Richard Davis; b) Victoria Turner; c) Bernard Harris and Monica Ford; d) Robert G. Smith; and e) Douglas Torelle.

West Group Contract: Authorize 60-day contract extension for on-line legal research.

**BUSINESS INFORMATION SERVICES (270615)**

TriTech Computer-Aided Dispatch System: Authorize issuance of RFP for technology infrastructure managed services.

**COMMUNICATIONS (270616)**

Utility Bill Insert: September 2005 insert on behalf of the Minneapolis Water Works division of Public Works.

**COORDINATOR (270617)**

HUD's Consolidated Plan: Approve Amending the 2005 General Appropriation Resolution 2004R-578, footnote "p".

New Central Library Project - Change Orders: a) Change Order No. 3 to increase Contract Number C-20306 with LeJeune Steel Company; b) Change Order No. 4 to increase Contract Number C-20306 with LeJeune Steel Company; c) Change Order No. 5 to increase Contract Number C-20306 with LeJeune Steel Company; d) Change Order No. 3 to increase Contract Number C-20567 with E. R. Berwald Roofing Company Inc.; and e) Change Order No. 1 to increase Contract Number C-21852 with PCL Construction Services, Inc.

2002 Hiring and Promotion Freeze: Rescind the Council action of 2/1/02.

**EMERGENCY COMMUNICATIONS CENTER (ECC) (270618)**

311 Customer Service Agents I & II and Supervisors: Approve authorization to offer Step 4 to Step 8 to finalists for these positions through December 31, 2006.

**FINANCE DEPARTMENT (270619)**

Acceptance of Gifts Policy: Approve revision of policy for department acceptance of gifts less than \$1,000.

**HUMAN RESOURCES (270620)**

Assistance Director, 311 Call Center: Approve position at Grade 12; Adopt salary ordinance.

**ZONING AND PLANNING (See Rep):**

**INSPECTIONS/BOARD OF ADJUSTMENT (270621)**

Appeals:

Michael West (5350-26th Ave S): Re variance for enclosed porch;

Karen Marty, for Joe Welp (421-6th St SE): Appeal of Zoning Administrator re habitable space.

**PLANNING COMMISSION/DEPARTMENT (270622)**

Appeals:

Le Parisien, LLC (2301-09 Lyndale Ave S): Re site plan review for mixed-use commercial-residential development.

Rezoning:

Jamie Mathwig/Olin 3, Inc (5236, 5238 & 5248 Minnehaha Ave);

Richard & Sheila Nichols (2415, 2419 & 2423 - 2nd St NE);

Mainstreet Bank (2120 Hennepin Ave S).

Vacations:

Shamrock Development, Inc ("L" shaped alley east of 1st Ave N, south of Washington Ave N, west of Hennepin Ave & north of 3rd St N - vicinity of 240 & 258 Hennepin Ave).

Environmental Assessment Worksheet:

Shamrock Development, Inc (re 240 & 258 Hennepin Ave): Findings of Fact & Record of Decision on EAW.

**PLANNING COMMISSION:**

Augsburg College (270623)  
Permission to vacate east right-of-way along 23rd Ave S betw. Riverside Ave & Butler Place.  
METROTRANSIT (270624)  
Vacate right-of-way, Lots 10 & 11, Block 2, Bradford's Addition, 8th Ave N at Lyndale Ave N  
Olson, Lars (270625)  
Permission to vacate alley adjacent to 2066 St. Anthony Pkwy.  
Principal Life Insurance Company (270626)  
Permission to vacate alley Lake St W betw Fremont Ave S & Girard Ave S

**FILED:**

MINNESOTA STATE OFFICES-State Auditor (270627)  
Park & Recreation Bd, Mpls, Ltr & Management & Compliance report, 12/31/2004.  
PARK BOARD (270628)  
Annual Financial Report, Component Unit yr end 12/31/2004.

*The following reports were signed by Mayor Rybak on August 25, 2005, unless noted otherwise.  
Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and  
resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

The **CLAIMS** Committee submitted the following report:

**Claims** – Your Committee recommends passage of the accompanying Resolution denying claims  
appealed from the Staff Claims Committee.  
Adopted 8/19/05.

Resolution 2005R-458, denying claims appealed from the Staff Claims Committee to the Claims  
Committee of the Minneapolis City Council, was adopted 8/19/05 by the City Council. A complete copy  
of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-458**  
**By Zimmermann**

**Denying claims appealed from the Staff Claims Committee to the Claims Committee of the  
Minneapolis City Council.**

Resolved, by The City Council of The City of Minneapolis:

That the following claims appealed from the Staff Claims Committee be denied as set forth below:

- a) Tony Preciado, 2827 Girard Av N  
Vehicle towing/sale (\$15,000)  
*Claims Committee Recommendation: **Denial***
- b) Stephen J. Hofich, 2401 Filmore St NE  
Vehicle towing (\$151)  
*Claims Committee Recommendation: **Denial***

Adopted 8/19/05.

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee, having under consideration a request for issuance of revenue bonds for the refunding and building improvements for the Jones-Harrison Residence (3700 Cedar Lake Av) and having held a public hearing thereon, now recommends passage of the accompanying Resolution giving preliminary and final approval to the issuance of up to \$14,500,000 in 501(c)(3) in Tax-Exempt Revenue Bonds for said project.

Adopted 8/19/05.

Resolution 2005R-459, giving preliminary and final approval to the issuance of up to \$14,500,000 in 501(c)(3) in Tax-Exempt Revenue Bonds for the Jones-Harrison Residence project, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-459**  
**By Goodman**

**Relating to the City of Minneapolis, Minnesota Health Care Facilities Revenue Bonds (Jones-Harrison Residence Project) Series 2005; authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 462C, as amended.**

Be It Resolved by The City Council of The City of Minneapolis, Minnesota (the "City"), as follows:  
Section 1. Definitions.

1.01. In this Resolution the following terms have the following respective meanings unless the context hereof or use herein clearly requires otherwise:

"Act" means Minnesota Statutes, Chapter 462C, as amended;

"Agreement" means the Loan Agreement to be entered into between the City and the Borrower relating to the Bonds;

"Bonds" means the Health Care Facilities Revenue Bonds (Jones-Harrison Residence Project) Series 2005 to be issued by the City pursuant to this Resolution in the aggregate principal amount of not to exceed \$14,500,000;

"Bond Documents" means the Agreement, the Bond Purchase Agreement and the Indenture;

"Bond Purchase Agreement" means the Bond Purchase Agreement with respect to the Bonds, by and between the City, the Borrower and Northland Securities, Inc.;

"Borrower" means Jones-Harrison Residence, a Minnesota nonprofit corporation, its successors and assigns;

"Holder" means a holder of the Bonds;

"Indenture" means the Indenture of Trust to be entered into between the City and the Trustee relating to the Bonds;

"Program" means the Chapter 462C Housing Program relating to the Project;

"Project" means the refinancing and improvement of the Borrower's nursing and assisted living facilities with the proceeds of the Bonds, as further defined in the Agreement;

"Resolution" means this resolution of the City;

"Trustee" means U.S. Bank National Association.

Section 2. Findings.

2.01. It is hereby found and declared that:

(a) based upon representations made to the City by representatives of the Borrower as to the nature of the Project as described in the Agreement, the Project constitutes a project authorized by the Act;

(b) the purpose of the Project is and the effect thereof is to promote the provision of necessary health care and assisted living facilities;

(c) the refinancing and improvement activities included in the Project, the issuance and sale of the Bonds, the execution and delivery of the Bond Documents and the performance of all covenants and agreements of the City contained in the Bonds and the Bond Documents and of all other acts and things

required under the charter of the City and the Constitution and laws of the State of Minnesota to make the Bonds and the Bond Documents valid and binding obligations of the City in accordance with their terms are authorized by the Act;

(d) it is desirable that the Bonds be issued by the City upon the terms set forth herein and that the City pledge its interest in the Agreement and grant a security interest therein to the Trustee as security for the payment of the principal of, premium, if any, and interest on the Bonds;

(e) the loan payments contained in the Agreement are fixed and are required to be revised from time to time as necessary, so as to produce income and revenue sufficient to provide for prompt payment of the principal of, premium, if any, and interest on the Bonds when due, and the Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the facilities included in the Project, including, but not limited to, adequate insurance thereon and all taxes and special assessments levied upon or with respect to the facilities included in the Project and payable during the term of the Agreement;

(f) under the provisions of the Act, the Bonds are not to be payable from nor charged upon any funds of the City other than the revenue pledged to the payment thereof; the City is not subject to any liability thereon; no Holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon nor to enforce payment thereof against any property of the City; the Bonds, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City;

(g) the execution and delivery of the Bonds and the Bond Documents shall not conflict with or constitute, on the part of the City, a breach of or a default under any existing agreement, indenture, mortgage, lease or other instrument to which the City is subject or is a party or by which it is bound; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bonds or the Bond Documents by reason of the existence of any facts contrary to this finding;

(h) no litigation is pending or, to the best knowledge of the members of this City Council, threatened against the City questioning the organization of the City or the right of any officer of the City to hold his or her office or in any manner questioning the right and power of the City to execute and deliver the Bonds or otherwise questioning the validity of the Bonds or the execution, delivery or validity of the Bond Documents or questioning the pledge of revenues to payment of the Bonds or the right of the City to loan the proceeds of the Bonds to the Borrower;

(i) all acts and things required under the Constitution and the laws of the State of Minnesota to make the Bonds and the Bond Documents the valid and binding obligations of the City in accordance with their terms shall have been done upon adoption of this Resolution and execution of the Bonds and Bond Documents; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bonds or the Bond Documents by reason of the existence of any facts contrary to this finding; and

(j) the City is duly organized and existing under the Constitution and the laws of the State of Minnesota and is authorized to issue the Bonds in accordance with the Act.

#### Section 3. Authorization and Sale.

3.01. Authorization. The City is authorized by the Act to issue revenue bonds and loan the proceeds thereof to the Borrower to finance and refinance a development that consists of a combination of an assisted living facility and a nursing facility.

3.02. Approval of Documents. Pursuant to the foregoing, there have been prepared copies of the following documents, all of which are now or shall be placed on file in the office of the Minneapolis Department of Community Planning and Economic Development:

- (a) the Program;
- (b) the Agreement;
- (c) the Bond Purchase Agreement; and
- (d) the Indenture.

The forms of the documents listed in (a) through (d) above are approved, with such variations, insertions and additions as are deemed appropriate by the parties and approved by the City.

Section 4. Authorizations.

4.01. Upon the completion of the Bond Documents approved in Section 3.02 hereof and the execution thereof by the other parties thereto, the Finance Officer (or Assistant Finance Officer) shall execute the same on behalf of the City and the foregoing person shall execute the Bonds, in substantially the form approved in paragraph 5.01 hereof, on behalf of the City, and the foregoing person and other officers of the City shall execute such other certifications, documents or instruments as bond counsel shall require, subject to the approval of the City, and all certifications, recitals and representations therein shall constitute the certificates, recitals and representations of the City. Execution of any instrument or document by one or more appropriate officers of the City shall constitute and shall be deemed the conclusive evidence of the approval and authorization by the City and the City Council of the instrument or document so executed.

Section 5. The Bonds.

5.01. Form and Authorized Amount. The Bonds shall be issued substantially in the form described in the Indenture with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. The terms of the Bonds are set forth therein, and such terms, including, but not limited to, provisions as to interest rate, dates and amount of payment of principal and interest and prepayment privileges, are incorporated by reference herein. The average weighted interest rate on the Bonds shall not exceed an annual rate of 6.50%, and the Bonds shall mature on or before October 1, 2035.

5.02. Execution. The Bonds shall be executed on behalf of the City by the person described in Section 4.01 hereof and the Certificate of Authentication shall be signed by the Trustee. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery thereof, such signature shall, nevertheless, be valid and sufficient for all purposes.

5.03. Delivery and Use of Proceeds. Prior to delivery of the Bonds, the documents referred to in Section 3.02 hereof shall be completed and executed in form and substance as approved by the City. The City shall thereupon deliver to the Trustee the Bonds together with a certified copy of this Resolution and such closing certificates as are required by bond counsel.

Section 6. Limitations of the City's Obligations.

6.01. Notwithstanding anything contained in the Bonds or the Bond Documents, the Bonds, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City, and no Holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon or to enforce payment thereof against any property of the City. The agreement of the City to perform the covenants and other provisions contained in this Resolution, the Bonds or the Bond Documents shall be subject at all times to the availability of revenues furnished by the Borrower sufficient to pay all costs of such performance or the enforcement thereof, and neither the City nor any of its officers, employees or agents shall be subject to any personal or pecuniary liability thereon.

Section 7. City Representative.

7.01. The Finance Officer or Assistant Finance Officer of the City is hereby designated and authorized to act on behalf of the City for purposes of the Indenture and the Agreement.

Section 8. Governmental Program.

8.01. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1998, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 8/19/05.

**Comm Dev** - Your Committee, having under consideration the Consolidated Annual Performance and Evaluation Report (CAPER), a report to the Department of Housing and Urban Development (HUD) and the public on the City's use of CDBG, HOME, ESG and HOPWA entitlement grants, now recommends that the proper City staff be directed to submit the 2004 CAPER to HUD on August 29, 2005.

Adopted 8/19/05.



**Comm Dev** - Your Committee, having under consideration the issuance of revenue bonds in 2003 for the Children's Theatre expansion and renovation project and having been informed that additional capital funding was raised and used to expand on the original project, now recommends that the proper City officers be authorized to execute the First Amendment to the Disbursing agreement and any other related documents between the City of Minneapolis and the parties to the 2003 issuance of Tax-exempt Revenue Bonds for the Children's Theatre Company Project by passage of the accompanying resolution.  
Adopted 8/19/05.

Resolution 2005R-460, consenting to the amendment of documents necessary to revise the scope of the Children's Theatre Company project revenue bonds, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.  
(Republished 8/27/05)

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-460**  
**By Goodman**

**Consenting to the amendment of documents necessary to revise the scope of the project and the payment of the project costs for the City of Minneapolis, Minnesota Variable Rate Demand Revenue Bonds for the Children's Theatre Company Project series 2003.**

Whereas, the City of Minneapolis, Minnesota (the "City") has previously issued its \$10,000,000 Variable Rate Demand Revenue Bonds Series 2003 (the "Bonds") on behalf of The Children's Theatre Company (the "Borrower") pursuant to an Indenture of Trust dated as of December 1, 2003 by and between the City and Wells Fargo Bank Minnesota, National Association as trustee (the "Trustee"); and

Whereas, the Borrower wishes to revise the scope of the project to include additional renovations and improvements to the project;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City hereby resolves that the City shall take all action necessary or reasonably required to amend the revenue bond documents, and, to that end, the Finance Officer is hereby authorized to execute and deliver amendments to the Disbursing Agreement for the Bonds, and such other documents as are reasonably required to secure the Bonds under the Indenture of Trust. The execution of any such documents shall constitute conclusive evidence of the approval by the City of such documents.

Adopted 8/19/05.

**Comm Dev** - Your Committee, having under consideration the Pokegama Project and having been informed that the focus of the Pokegama North element (at 2111 14th Av S) will be changed from single family to cluster development, now recommends approval of the request of the project developer, the American Indian Community Development Corporation, for said change in development focus.

Adopted 8/19/05.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a lease for the Midtown Global Market in the Midtown Exchange Project and consideration of a bridge loan for the project, now recommends:

- 1) Approval of a bridge loan in an amount up to \$2 million, subject to the terms outlined in Petn No 270598;
- 2) Passage of the accompanying resolution providing for the following appropriation changes:
  - a. Increasing the Defaulted Property Administration by \$2,000,000;
  - b. Increasing the Neighborhood Development Account by \$1,000,000 for transfer to the Defaulted Property Administration fund;

c. Increasing the Residential Finance Program by \$1,000,000 for transfer to the Defaulted Property Administration fund;

3) Authorization to acquire fee title to the Midtown Global Market from Midtown Global Market LLC ("MGM LLC") for \$1;

4) Passage of the accompanying resolution authorizing the City to enter into a lease with MGM LLC for 20 years for \$1 annually, subject to earlier City option to transfer the property back to MGM LLC and subject to NDC \$1 purchase option at the end of the lease term (as included in Exhibit A of Petn No 270598);

5) Authorization to secure partners to participate in some or all of the bridge loan;

6) Authorization to apply to the EDA for a \$2.7 million forgivable loan;

7) Authorization for the proper City officers to execute loan, lease and other documents necessary to implement said actions.

Adopted 8/19/05.

**RESOLUTION 2005R-461**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) By increasing the appropriation for the Community Planning and Economic Development Agency in the Defaulted Property Administration Fund (EDP0-890-8933) by \$2,000,000;

b) By increasing the appropriation for the Community Planning and Economic Development Agency in the Neighborhood Development Account (FNA0-890-8490) by \$1,000,000 for transfer to the Defaulted Property Administration Fund;

c) By increasing the appropriation for the Community Planning and Economic Development Agency in the Residential Finance Program (SRF0-890-8490) by \$1 million for transfer to the Defaulted Property Administration Fund.

Adopted 8/19/05.

Resolution 2005R-462, authorizing the City to enter into a lease with Midtown Global Market LLC, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-462**  
**By Goodman and Johnson**

**Authorizing lease and sale of land Midtown Exchange Project Disposition Parcel No. CL-5.**

Whereas, the City of Minneapolis, hereinafter known as the City, has acquired Disposition Parcel CL-5 in the Central neighborhood from Midtown Global Market, LLC, hereinafter known as the Redeveloper, for \$1.00 and intends to lease the parcel back to the Redeveloper for 20 years with "put" options in favor of the City and a \$1.00 purchase option in favor of the Redeveloper at lease termination; and

Whereas, Disposition Parcel CL-5 is legally described as follows:

**Legal Description**

Part of Tracts J, K and Z, Registered Land Survey No. 1754, Files of the Registrar of Titles, Hennepin County, Minnesota. Together with the rights and easements contained in that certain Declaration of Easements, Restrictions and Covenants (Midtown Exchange) dated December 27, 2004, filed December 28, 2004, as Document No. 4057989, Office of the Registrar of Titles, among others.

Whereas, the proposed transaction includes a development plan and commitment to improve by rehabilitating part of the existing structure on Disposition Parcel CL-5 in accordance with the Lake Street Center Redevelopment Plan; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on Friday, July 29, 2005, a public hearing on the proposed sale was duly held on August 9, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the transaction is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop Disposition Parcel CL-5 in accordance with the Redevelopment Plan.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a 20-year lease with \$1.00 purchase option to the Redeveloper in accordance with the provisions hereof and upon termination of the lease or earlier exercise by the City of its option to "put" the property back to the Redeveloper, a deed to the Redeveloper; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 8/19/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Karamu West Redevelopment Site at Penn and Plymouth Av N, now recommends:

a) Acceptance of the low bid received on OP No. 6474 from Belair Builders, Inc. in the amount of \$175,662 to furnish and deliver all labor, materials, equipment and incidentals necessary for pollution remediation work at the Karamu West Redevelopment site and that the proper City officers be authorized to execute a pollution remediation contract with Belair Builders, Inc. in an amount not to exceed \$350,000;

b) Request that the co-developers of the project, Northside Residents Redevelopment Council (NRRC) and Mississippi Pathway Development Company LLC (MPCD) provide matching funds for the Contamination Cleanup Grant funds already dedicated to the project;

c) Passage of the accompanying resolution appropriating the local matching funds;

d) Authorization for the proper City officers to execute any agreements necessary to accomplish said actions.

Adopted 8/19/05.

**RESOLUTION 2005R-463**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the CPED Operating Fund (GEN0-890-8952) by \$87,500 and increasing the revenue source (GEN0-890-8952) by \$87,500.

Adopted 8/19/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request for Modification #7 to the Kenwood Isles Neighborhood Revitalization Program (NRP) Phase I Neighborhood Action Plan, now recommends:

1) Approval of said modification creating a new strategy to support the Walker Community Library, reallocating \$30,000 for the Walker, reallocating \$30,000 to support Kenwood Park tennis court rehabilitation, reallocating \$10,000 to support the purchase of a portable stage for Kenwood School/Park and \$5,000 for implementation costs; and

2) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.  
Adopted 8/19/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the East Harriet Farmstead Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan as approved by the NRP Policy Board, now recommends:

1) Approval of said action plan (as included in Petn No 270600) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$218,316;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$211,889.50, to the NRP fund for implementation of the East Harriet Farmstead Neighborhood Action Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.  
Adopted 8/19/05.

**RESOLUTION 2005R-464**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$211,889.50.

Adopted 8/19/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Shingle Creek Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan as approved by the NRP Policy Board, now recommends:

1) Approval of said action plan (as included in Petn No 270600) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$323,905;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$312,715, to the NRP fund for implementation of the Shingle Creek Neighborhood Action Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.  
Adopted 8/19/05.

**RESOLUTION 2005R-465**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$312,715.

Adopted 8/19/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Bottineau Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan as approved by the NRP Policy Board, now recommends:

1) Approval of said action plan (as included in Petn No 270600) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$224,069;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$216,169, to the NRP fund for implementation of the Bottineau Neighborhood Action Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 8/19/05.

**RESOLUTION 2005R-466**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$216,169.

Adopted 8/19/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Marcy-Holmes Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan as approved by the NRP Policy Board, now recommends:

1) Approval of said action plan (as included in Petn No 270600) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$683,948;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$683,948, to the NRP fund for implementation of the Marcy-Holmes Neighborhood Action Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 8/19/05.

**RESOLUTION 2005R-467**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$683,948.

Adopted 8/19/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a proposed policy that provides for the reservation of Neighborhood Revitalization Program (NRP) income generated within a neighborhood for future use in that same neighborhood through approved NRP action plan programs and activities, now recommends:

**Comm Dev** - that said proposed policy be sent forward without recommendation;

**W&M/Budget** - Passage of the accompanying resolution approving said policy.

Goodman moved to amend the report to approve the recommendation of the Ways & Means/Budget Committee and to delete the recommendation of the Community Development Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/19/05.

Resolution 2005R-468, approving a policy that provides for the reservation of Neighborhood Revitalization Program (NRP) income generated within a neighborhood for future use in that same neighborhood through approved NRP action plan programs and activities, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-468**

**By Ostrow**

**Neighborhood Revitalization Program (NRP) Income Principles**

Whereas, the NRP Program was established by the City of Minneapolis pursuant to NRP Law and City Ordinance "to preserve and enhance within the neighborhoods of the city private and public infrastructure, health and safety, economic vitality, sense of community and social benefits"; and

Whereas, NRP neighborhood action plans are prepared pursuant to the requirements of the NRP Law and City Ordinance. The NRP Policy Board has the authority to review, modify where appropriate and approve in whole or in part, neighborhood action plans and forward its recommendation for final action to the governing bodies represented on the policy board. The City is one of the governing bodies represented on the Policy Board and has the final authority to review, modify and approve NRP neighborhood action plans and to approve and appropriate NRP funds for use according to those plans over which the City has programmatic jurisdiction; and

Whereas, NRP funds are public funds, primarily generated from City tax increment projects and provided by the City pursuant to the NRP Law to fund approved NRP neighborhood action plan programs and activities; and

Whereas, the City is the public contracting party for NRP-funded neighborhood action plan contracts and is responsible to monitor contract performance, account for contract payments and enforce contract obligations;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council recognizes and encourages neighborhood efforts to invest the NRP Dollars allocated to neighborhood NRP action plans wisely by establishing loan and other recapture programs to generate program income for continuing reinvestment in NRP neighborhoods.

That the City Council further recognizes and is committed to continuing the current practice by the City to hold, reserve and account for program income generated within an NRP neighborhood for future use by that NRP neighborhood, to be reallocated to that neighborhood's NRP action plan programs and activities, subject to applicable procedures for NRP Policy Board review and City Council approval; and

That staff is directed to revise program procedures and contracts to reflect this policy; and

That the Mayor and City Council will monitor the amount, and use of NRP program income on an annual basis. City Staff is prepared to assist with this monitoring as requested.

Adopted 8/19/05.

The **ELECTIONS** Committee submitted the following report:

**Elections** - Your Committee recommends approval of the appointment of election judges, and authorization for the use of substitutions from the eligible list of election judges as necessary, for the 131 precincts in the City for elections in Year 2005, as set forth in Petn No 270601 on file in the office of the City Clerk, in accordance with Minnesota Statutes 204B.21, Subd. 2, and Chapter 2, Section 6, of the Charter of the City of Minneapolis.

Your Committee further recommends authorization for the use of an Absentee Ballot Board, and approval of the list of election judges to serve as said Board, for all elections in Year 2005, pursuant to Minnesota Statutes, Section 203B.13.

Adopted 8/19/05.

The **HEALTH & HUMAN SERVICES** and **PUBLIC SAFETY & REGULATORY SERVICES** Committees submitted the following report:

**H&HS & PS&RS** - Your Committee, to whom was referred an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, providing for referral of many complaints to mediation; and requiring mandatory participation in good faith in the mediation process, now recommends:

**H&HS** - that said ordinance be given its second reading for amendment and passage.

**PS&RS** - that said ordinance be sent forward without recommendation.

Johnson Lee moved that the report be amended to approve the Health & Human Services Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Seconded.

Adopted by unanimous consent.

Zerby moved to substitute a new ordinance for the above-mentioned ordinance. Seconded.

Johnson moved that the report be postponed. Seconded.

The Johnson Motion was adopted 8/19/05. Yeas, 7; Nays, 6 as follows:

Yeas - Colvin Roy, Schiff, Niziolek, Benson, Goodman, Lane, Johnson.

Nays - Zimmermann, Zerby, Lilligren, Johnson Lee, Samuels, Ostrow.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, updating surveillance technology requirements; clarifying minimum standards to assist the Police Department in the retrieval of clear photographic evidence; and adding new license types to those required to install cameras (Off-Sale Liquor, Tobacco Dealers and Food Confectionary), now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 8/19/05.

Ordinance 2005-Or-070 amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, amending Section 259.230 updating surveillance technology requirements; clarifying minimum standards to assist the Police Department in the retrieval of clear photographic evidence; and adding new license types to those required to install cameras (Off-Sale Liquor, Tobacco Dealers and Food Confectionary), was adopted 8/19/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-070**

**By Niziolek**

**Intro & 1st Reading: 7/22/05**

**Ref to: PS&RS**

**2nd Reading: 8/19/05**

**Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 259.230 of the above-entitled ordinance be amended to read as follows:

**259.230. Surveillance cameras.** (a) *Purpose.* The city council finds that small businesses, business with off-sale liquor licenses, tobacco dealers, food confectionary stores and automobile related facilities which offer convenience food, gasoline and other services can become targets of opportunity for theft and violent crimes. The purpose of this section, to be known as the Magnus amendment, is to protect the public health, safety and welfare by increasing security for patrons and employees of these businesses by the use of surveillance cameras. Surveillance cameras will assist in deterring crime in

and adjacent to such businesses and can provide information to assist the police in investigating crimes that do occur.

(b) *Security requirements.* Every automobile convenience store, convenience food store, or grocery store, tobacco dealers, food confectionary stores and off sale liquor as defined and/or regulated by Titles 10, 13, 14 and 20 of this Code offering convenience food items shall install a security camera of a type, number and placement approved by the director of licenses and consumer services and/or minneapolis police department. Such camera(s) must be capable of producing a retrievable image on film or tape that can be made a permanent record and which can be enlarged through projection or other means and which shall be maintained and available to police for five (5) days before reuse or destruction. Cameras required by this section shall be either 35-millimeter cameras or video taping surveillance cameras and shall be maintained in proper working order at all times during all hours of operation of the business. Said establishments shall post a conspicuous sign which states that the property is under camera surveillance. Such cameras and signage shall be subject to periodic inspection by the director of licenses and consumer services or the director's designee. The director shall have the authority to formulate reasonable rules to fully implement this ordinance.

(c) *Secured buildings.* Convenience food store or grocery stores, as defined by Titles 10, 13, 14 and 20 of this Code that are situated within office, condominium, apartment or cooperative buildings shall be exempted from this section provided one of the following conditions exist:

- (1) The building has a security system providing limited public access; or
- (2) The building provides a concierge, doorman, or security guard at the main public entry during all hours of store operation.

(d) *Effective date.* This ordinance shall take effect on June 1, 1996, for all existing or proposed businesses.

(d) *Materials and Maintenance requirements.* The director of licenses shall have the authority to formulate reasonable rules to fully implement this ordinance.

(1) *Type of Cameras required.* The camera(s) must be capable of producing a retrievable image on film, tape or digital video that can be made a permanent record and which can be enlarged through projection or other means. Cameras required by this section shall be 35-milimeter cameras or video taping surveillance cameras or digital video taping equipment and shall be maintained in proper working order at all times during all hours of operation of the business.

(2) *Signage required.* Said establishments shall post a conspicuous sign which states that the property is under camera surveillance.

(3) *Minimum standards.* The director of licenses shall have the authority to formulate reasonable rules to fully implement this ordinance. Cameras shall be subject to periodic inspections by the director of licenses or their designee or member of the minneapolis police department.

(4) *Management of film, videotapes or digital materials.* Said establishments shall maintain and make available, video tapes, film or digital material, to license and consumer services and minneapolis police department for periods of one month before reusing materials or destruction. Videotapes and film shall be marked with the day of the month the material was used. Digital materials shall be marked with the time and date. The establishment shall retain one blank tape, film or digital material to be used if the other material is taken by the license or police departments or if the other material fails. All video tapes shall be replaced after being used twelve (12) times.

(e) *Effective date.* Changes to the ordinance shall take effect on January 31, 2006 for all existing businesses and immediately for all new business applicants or proposed businesses or when change of equipment is ordered by the licenses and consumer services department.

Adopted 8/19/05.

**PS&RS** - Your Committee, having under consideration the application of Clearwater Products Inc, dba BJ's Lounge, 229 W Broadway, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises to include outdoor patio) to expire January 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/19/05.



**PS&RS** - Your Committee, having under consideration the application of Lucia Watson Enterprises, dba Lucia's Restaurant, 1432 W 31st St, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises to include 1428 W 31st St and additional sidewalk cafe seating in front of 1428) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/19/05.

**PS&RS** - Your Committee, having under consideration the application of Stub & Herbs Inc, dba Stub & Herbs, 227 Oak St SE, for an On-Sale Liquor Class C-2 with Sunday Sales License (expansion of premises to include outdoor deck to be located on private property) to expire July 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/19/05.

**PS&RS** - Your Committee, having under consideration the application of Town Talk Diner LLC, dba Town Talk Diner LLC, 2707 E Lake St, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2006, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be postponed. Seconded.

Adopted upon a voice vote 8/19/05.

**PS&RS** - Your Committee, having under consideration the application of Rick Drontle, dba Ponytail Catering, 5359 Minnehaha Av, for a Caterers License (new business) to expire April 1, 2006, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/19/05.

**PS&RS** - Your Committee, having under consideration the application of Eskinder T Beshah, dba Airport Connect (#504), 3428 19th Av S, for a Taxicab Vehicle License (company to company transfer from Yellow #25) to expire February 1, 2006, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/19/05.

Approved by Mayor Rybak 8/22/05.

(Published 8/23/05)

**PS&RS** - Your Committee recommends adoption of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 8/19/05.

Resolution 2005R-469, granting Liquor, Wine and Beer Licenses, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-469**

**By Niziolek**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Off-Sale Liquor, to expire July 1, 2006**

Falyce A Sentyrz, dba Sentyrz Liquor & Supermarket, 1612 2nd St NE, 1st floor  
Kick's Liquor Store Inc, dba Broadway Liquor Outlet, 2201 W Broadway

**Off-Sale Liquor, to expire October 1, 2006**

D T B Corporation, dba Greenway Liquor, 105 W Grant St  
Meka Corp, dba Minnehaha Liquor Store, 2613 E Lake St  
France 44 Liquors Inc, dba France 44 Wines & Spirits, 4351 France Av S  
Brothers Greer Inc, dba Witt's Liquors, 19 S 7th St  
Aramark Food Service Corporation, dba Aramark Food Service, 500 11th Av S  
Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av  
Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 5th St SE  
Mourado's Liquors Inc, dba Mourado's Liquors, 2426 2nd St NE  
JPOC Inc, dba Union Liquor Store, 3219 Penn Av N  
East Lake Liquor & Deli Inc, dba East Lake Liquor & Deli, 3916 E Lake St  
Ken & Norm's Liquors Inc, dba Ken & Norm's Liquors, 4801 Chicago Av  
McDonalds Liquor Inc, dba McDonalds Liquor Store, 5010 34th Av S

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2006**

Guthrie Theater Foundation, dba Guthrie Theater Foundation, 725 Vineland Pl  
I & E Inc, dba Bunker's, 761 Washington Av N, 1st floor  
Pepito's Mexican Foods Inc, dba Pepito's, 4820 Chicago Av

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2005**

Lee Consultants Ltd, dba Sticks, 708 1st St N (internal transfer of shares)

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2006**

St. Regis Blue Star LLC, dba Rossi's, 80 S 9th St  
Aramark Food Service Corporation, dba Target Center, 600 1st Av N  
Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av  
Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall  
Old Chicago of Colorado Inc, dba Old Chicago, 2841 Hennepin Av

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2006**

Taqueria El Mexicano Inc, dba Restaurant El Mexicano, 124 W Lake St  
T J Management of Minneapolis Inc, dba Gabby's Saloon & Eatery, 1900 Marshall St NE

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2006**

Minneapolis 0052 LLC, dba Lodge Bar, 15 S 5th St  
Sirian Enterprises, dba Lee's Liquor Bar, 101 Glenwood Av

**On-Sale Liquor Class B with Sunday Sales, to expire August 28, 2005**

Fourth Street Saloon Inc, dba Fourth Street Saloon, 328 W Broadway (temporary expansion of premises with outdoor entertainment, August 27 & 28, 2005, Noon to 10:00 p.m.)

**On-Sale Liquor Class C-1 with Sunday Sales, to expire August 7, 2005**

Raising the Bar LLC, dba Zeno Cafe, 2919 Hennepin Av (temporary expansion of premises, August 5, 6 & 7, 2005, Noon to 8:00 p.m., Uptown Art Fair)

**On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2005**

1st Avenue Entertainment Group Inc, dba Shout House, 600 Hennepin Av #100

**On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2006**

Brit's Ltd, dba Brit's Pub & Eating Establishment, 1110 Nicollet Mall

Viking Bar Inc, dba Viking Bar, 1829 Riverside Av

**On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2006**

Mell's Beauty Bar Inc, dba Mell's Beauty Bar, 606 Washington Av N

**On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2005**

G & K Vegas Inc, dba Vegas Lounge, 965 Central Av NE, 1st floor (new ownership from Vegas Inc and upgrade from Class E)

**On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2006**

Jacob Morris Properties Inc, dba Cafe Havana, 119 Washington Av N

**On-Sale Liquor Class E with Sunday Sales, to expire August 21, 2005**

Fosland Olson Inc, dba 4th Annual Tent Party, 1029 Marshall St NE (temporary expansion of premises with entertainment, August 19, 2005, 6:00 p.m. to 10:00 p.m.; August 20, 2005, 2:00 p.m. to 10:00 p.m.; and August 21, 2005, 1:00 p.m. to 7:00 p.m.)

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2006**

RW Inc, dba Sully's Pub, 2519 Central Av NE

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2006**

New City LLC, dba New City, 25 4th St N #1 (change in ownership from City Billiards Inc)

Cedar Point Inc, dba Palmers Bar, 500 Cedar Av S

Tuttle Inc, dba Elsie's, 729 Marshall St NE

**On-Sale Liquor Class E with Sunday Sales, to expire July 30, 2005**

Restaurants Unlimited Inc, dba Palomino, 825 E Hennepin Av (temporary expansion of premises, July 30, 2005, 4:00 p.m. to 7:00 p.m.)

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2005**

Restaurants Unlimited Inc, dba Palomino, 825 Hennepin Av

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2006**

Aramark Food Service Corporation, dba Aramark, 500 11th Av S

RCSH Operations Inc, dba Ruth's Chris Steak House, 920 2nd Av S

Levit Holdings Ltd, dba Ichiban Japanese Steakhouse, 1333 Nicollet Mall

K H Enterprises Mpls Inc, dba Porter's Bar & Grill, 2647 Nicollet Av

**Bottle Club, to expire April 1, 2006**

Ames Lodge #106, dba Elk's Lounge, 1614 Plymouth Av N

Latvian House Inc, dba Latvian House, 2337 Central Av NE

Spruce Tree Lounge Inc, dba Spruce Tree Lounge, 3836 4th Av S

**Temporary On-Sale Liquor**

Theatre in the Round Players Inc, dba Theatre in the Round, 245 Cedar Av S (August 19, 2005, 6:00 p.m. to 11:30 p.m.; Licensed Facilitator: Sgt Preston's Saloon & Eatery)

**Catering Services, to expire August 1, 2006**

Mintahoe Inc, dba Mintahoe Hospitality Group, 1021 E Bandana Blvd #230, St. Paul

**On-Sale Wine Class E with Strong Beer, to expire August 13, 2005**

Pizza Luce II Inc, dba Pizza Luce, 3200 Lyndale Av S (temporary expansion of premises with entertainment, August 13, 2005, Noon to 10:00 p.m., in parking lot, 3rd Annual Block Party)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2004**

Vino 610 Inc, dba Vino 610, 610 W Lake St (new business)

Noodle Shop Company Minnesota Inc, dba Noodles & Company, 3040 Excelsior Blvd

**Temporary On-Sale Wine**

Zorongo Flamenco Inc, dba Benefit Event, 1420 Washington Av S (August 19, 2005, 7:00 p.m. to Midnight at the Southern Theatre; Licensed Facilitator: Town Hall Brewery)

**Temporary On-Sale Beer**

Sacred Heart Catholic Church, dba Polish Fest, 420 22nd Av NE (August 13, 2005, 11:00 a.m. to 8:00 p.m.)

St. Cyril Church, dba Festival, 1301 2nd St NE (August 20 & 21, 2005, Noon to 6:00 p.m. in parking lot)

Church of All Saints, dba Fun Fest Celebration, 435 4th St NE (September 11, 2005)

Church of the Ascension, dba Fundraiser, 1723 Bryant Av N (September 17, 2005, Noon to 5:00 p.m.)

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (September 17, 2005, 4:00 p.m. to 9:00 p.m. and September 18, 2005, 11:00 a.m. to 8:00 p.m.)

Church of the Holy Name, dba Fall Festival, 3637 11th Av S (October 9, 2005, Noon to 4:30 p.m. in school building, 1120 E 37th St).

Adopted 8/19/05.

**PS&RS** - Your Committee recommends adoption of the accompanying Resolution granting applications for Business Licenses.

Adopted 8/19/05.

Resolution 2005R-470, granting applications for Business Licenses, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-470**

**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of August 19, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270603):

Place of Entertainment; Caterers; Confectionery; Food Market Distributor; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Motor Vehicle Dealer - Used Only; Commercial Parking Lot Class A; Peddler - Foot; Plumber; Precious Metal Dealer; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Solid Waste Hauler; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Tree Servicing; and Valet Parking.

Adopted 8/19/05.

**PS&RS** - Your Committee recommends that the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Gambling Lawful Exempt**

Our Lady of Peace, dba Our Lady of Peace, 5425 11th Av S (Bingo and Raffle September 23 - 25, 2005 at Our Lady of Peace School, 5435 11th Av S)

March of Dimes, dba March of Dimes, 5233 Edina Industrial Blvd, Edina (Raffle October 13, 2005 at Radisson Plaza Hotel, 35 S 7th St).

Adopted 8/19/05.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by The Quest, 100 5th St N.

Adopted 8/19/05.

Resolution 2005R-471, approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by The Quest, 100 5th St N, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-471**

**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by The Quest, 100 5th St N.**

Whereas, on January 28, 2005 the City Council approved Technical Advisory Committee recommendations concerning the operation of Heaven & Earth Inc, dba The Quest Nightclub (The Quest) located at 100 5th St N; and

Whereas, on August 1, 2005 the Technical Advisory Committee reconvened for the purposes of evaluating the status of the TAC Agreement; discussing recent incidents at The Quest of concern to the City; and conferring with the operators of The Quest regarding modifications being made to the operation of the establishment, including changes in format and security practices; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the January 28, 2005 TAC recommendations be amended to include the following additional recommendations, as more fully set forth in the Addendum to the Findings of Fact on file in the Office of the City Clerk and made a part of this report by reference:

a. that the five-day suspension of the licensee's Class A On-Sale Liquor License, which was originally stayed for a period of six months, be stayed for an additional six months on the condition that The Quest comply with all other provisions of the TAC Addendum Agreement.

b. the licensee shall, during the term of the TAC Addendum Agreement and from the date which it executes this Addendum, continue to comply with recommendations 4 through 10 from the original TAC recommendations approved by the City Council on January 28, 2005.

c. the licensee and the Technical Advisory Committee have agreed that the presence of a Safe Zone camera which can cover the area of 5th Street closer to 2nd Avenue North, an area which includes the front of the Wyman Building, to assist in maintaining the safety and order of that part of 5th Street between 1st and 2nd Avenue. The Quest has agreed to pay to the City of Minneapolis the sum of \$30,000 for the purchase and installation of such a Safe Zone camera. It is agreed that the licensee shall remit the first \$10,000 of said fee on or before September 23, 2005, with the second installment of \$10,000 due on or before November 8, 2005, and the final installment due on or before January 8, 2006.

d. the Technical Advisory Committee agrees that it will not oppose the application of The Quest to obtain a recalculated occupancy level applicable solely for concert events held at the establishment should the application comply with all applicable legal and Code requirements and be evaluated and considered according to the standard established procedures for such an application.

e. upon the remittance by the licensee of the entire \$30,000, as outlined above and compliance with all other terms of this agreement, this TAC Addendum shall be considered satisfied and completed, and both the original TAC Agreement, as well as the Addendum TAC Agreement shall be discharged and concluded.

Adopted 8/19/05.

**PS&RS** - Your Committee, having received the final report on the Nuisance Night Hearing Program, now recommends the following:

a. that the report be received and filed.

b. that staff of the City Attorney's Office and the Police Department be directed to end the Nuisance Night Hearing Pilot Program.

c. that staff of the City Attorney's Office and the Police Department be directed to adapt the Nuisance Night Hearing Pilot Program to a program similar to the Minor Consumption Diversion Program for livability crimes in the First Precinct.

Adopted 8/19/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute an agreement with Hennepin County to receive up to \$400,000 from the Downtown Council to fund overtime/buyback for patrol and investigative needs in the Downtown Safe Zone, including STOP enforcement activities and special events or initiatives requiring additional police presence. Further, passage of the accompanying Resolution appropriating \$400,000 to the Police Department.

Adopted 8/19/05.

**RESOLUTION 2005R-472**  
**By Niziolek and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the General Fund (010-400-DT03) by \$400,000 and increasing the Revenue Source (010-400-DT03 - Source 3755) by \$400,000.

Adopted 8/19/05.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a Joint Powers Agreement with the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, to provide \$100,000 to the Police Department for providing bomb disposal services to other jurisdictions within the State on an as needed basis through June 30, 2007, at a reimbursement rate of \$175 per hour. Further, passage of the accompanying Resolution appropriating \$100,000 to the Police Department.

Adopted 8/19/05.

**RESOLUTION 2005R-473**  
**By Niziolek and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C005) by \$100,000 and increasing the Revenue Source (060-400-C005 - Source 3215) by \$100,000.

Adopted 8/19/05.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$4,000 and execute a grant agreement with the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, to support liquor compliance to reduce underage drinking in the City, specifically to be used in the Second Precinct for enforcement and investigation to address "party houses" in the University of Minnesota area. Further, passage of the accompanying Resolution appropriating \$4,000 to the Police Department.

Adopted 8/19/05.

**RESOLUTION 2005R-474**  
**By Niziolek and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C201) by \$4,000 and increasing the Revenue Source (030-400-C201 - Source 3210) by \$4,000.

Adopted 8/19/05.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$236,794 and execute an agreement with the United States Department of Justice, Bureau of Justice, to provide funding for the Police Department's Crisis Intervention Team to conduct training for officers for improved response to citizens experiencing a mental health crisis and to purchase less lethal weapons as an available option for subduing crisis subjects and others taken into custody. Further, passage of the accompanying Resolution appropriating \$236,794 to the Police Department.

Adopted 8/19/05.

**RESOLUTION 2005R-475**  
**By Niziolek and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-B111) by \$236,794 and increasing the Revenue Source (030-400-B111 - Source 3210) by \$236,794.

Adopted 8/19/05.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept \$43,096 in federal grant funds and execute an agreement with Pillsbury United Communities to provide funding for officer overtime or other police services as deemed necessary to fulfill the auto theft prevention goals of the Central Weed and Seed Steering Committee. Further, passage of the accompanying Resolution appropriating \$43,096 to the Police Department.

Adopted 8/19/05.

**RESOLUTION 2005R-476**  
**By Niziolek and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$43,096 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$43,096.

Adopted 8/19/05.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to renew and execute amendment #4 to Agreement #017571 with Hennepin County Medical Center (HCMC) to continue providing Emergency Medical Service Training for Fire Suppression personnel for a one year period beginning July 1, 2005 and expiring June 30, 2006. The cost of said contract shall remain at \$92,213, payable from the Fire Department Training and Safety budget.

Adopted 8/19/05.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** – Your Committee, having under consideration the sale of City-owned vacant land located at 248 Hennepin Av, and having held a public hearing thereon, now recommends:

- a) That the parcel be sold to the adjacent property owner, 21st Century Bank, for \$33,000;
- b) That the proper City Officers be authorized to execute a Quit Claim Deed to convey the property to the buyer and sign any other documents necessary to facilitate the sale of the property; and
- c) That the sale proceeds be used to pay the associated expenses of selling the property, with the remaining balance deposited into CPED Fund GEN0.

Adopted 8/19/05.

**T&PW** – Your Committee recommends that the proper City Officers be authorized to amend Contract No. C-19903 with Securitas Corporation to provide armed security guards for the Minneapolis Water Works Facility for a period of 60 days beginning August 1, 2005, while the Minneapolis Police Officers currently guarding the facility are temporarily reassigned.

Adopted 8/19/05.

**T&PW** - Your Committee recommends passage of the accompanying Resolution approving a special assessment deferment application (Petr. No. 270609) for street lighting, street improvement, and sewer service line repair for the property located at 206 43rd St E.

Adopted 8/19/05.

Resolution 2005R-477, approving a special assessment deferment application, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-477**  
**By Colvin Roy**

**Approving a special assessment deferment application.**

Resolved by The City Council of The City of Minneapolis:

That the following application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195, and City Council Resolutions 80R-365 passed August 8, 1980, and 93R-134 passed April 16, 1993:



Alberta Knight (Disabled Citizen) and Leonard Knight, on the property located at 206 - 43rd St E, PID 10-028-24-42-0022, to defer the following assessments:

- a) Special assessment (Levy 01026, Project 2216L) for street lighting in the principal remaining amount of \$1,578.12 for payable 2006 and subsequent years;
- b) Special Assessment (Levy 01026, Project 2941) for street improvement in the principal remaining amount of \$370.79 for payable 2006 and subsequent years; and
- c) Special Assessment (Levy 01083, Project 04SWR) for sewer service line repair in the principal remaining amount of \$2,194.50 for payable 2006 and subsequent years.

Adopted 8/19/05.

**T&PW** – Your Committee, having received and filed a report exploring opportunities to change the Courtesy Bench Program from a license to a franchise agreement system (Petr. No. 270610), now recommends that the proper City Officers be authorized to issue a Request for Proposals for franchise courtesy bench services.

Your Committee further recommends that the matter of legislation to change the City's authority with regard to scope of advertising and right-of-way be referred to the IGR Committee.

Adopted 8/19/05.

**T&PW** – Your Committee, having under consideration Phase 3 of the Midtown Greenway Project, now recommends:

- a) Approval of the proposed plan and profile layouts for the construction of a cable suspension bridge for bicyclists and pedestrians across Hiawatha Avenue between 26th and 28th Streets E (Petr. No. 270610); and
- b) That the proper City Officers be authorized to enter into a Limited Use Permit Agreement with the Minnesota Department of Transportation (MnDOT) to allow the Midtown Greenway Bridge over Hiawatha Avenue to be placed on MnDOT right-of-way.

Adopted 8/19/05.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, having under consideration the 2005 Alley Retaining Wall Restoration Program, No. FS05#3, and having held a public hearing thereon, now recommends passage of the accompanying Resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the replacement of an alley retaining wall at 5341 Girard Av S; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$12,500.

Adopted 8/19/05.

Resolution 2005R-478 ordering the work to proceed and adopting the special assessments for the 2005 Alley Restoration Program (Alley Retaining Wall Replacement at 5341 Girard Av S), was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-478**  
**By Colvin Roy and Johnson**

**2005 Alley Retaining Wall Restoration Program,  
Special Improvement of Existing Alleys No. FS05#3**

**Ordering the work to proceed and adopting the special assessments for the 2005 Alley Restoration Program (Alley Retaining Wall Replacement at 5341 Girard Av S).**

Whereas, a public hearing was held on August 9, 2005 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter, and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2005R-423, passed July 22, 2005 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-423, passed July 22, 2005.

Be It Further Resolved that the proposed special assessments in the total amount of \$12,500, and on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments for alley retaining wall restoration may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2006 real estate tax statements.

Adopted 8/19/05.

Resolution 2005R-479, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$12,500 for certain purposes other than the purchase of public utilities, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-479**  
**By Colvin Roy and Johnson**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$12,500 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of alley improvements in the 2005 Alley Retaining Wall Restoration Program, Special Improvement of Existing Alleys No FS05#3, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 8/19/05.

**T&PW & W&M/Budget** – Your Committee, having under consideration a request to increase sidewalk contracts for 2005 sidewalk construction projects due to additional new sidewalk construction, work requested by private property owners, and sidewalk work requested by the Minneapolis Park & Recreation Board and the Heritage Park Project, now recommends passage of the accompanying Resolutions:

a) Increasing the contracts with Standard Sidewalk, Inc. by \$400,203; and Ti-Zack Concrete, Inc by \$134,190.22; and

b) Increasing the appropriation and revenue in the PW-Streets and Malls-Capital Agency in the Permanent Improvement Projects Fund in the amount of \$89,900 to be reimbursed by special assessments.

Your Committee further recommends that the owner of the property located at 3530 28th St E be ordered to construct a sidewalk adjacent to the property, pursuant to the Minneapolis City Charter, Chapter 10, Section 10, for an estimated amount of \$23,000.

Adopted 8/19/05.

Resolution 2005R-480, amending the construction of sidewalks, alleys, driveways, curbs and gutters Contract C-21857 (OP #6407), and Contract C-21811 (OP #6407), was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-480**  
**By Colvin Roy and Johnson**

**Amending the Construction of Sidewalks, Alleys, Driveways, Curbs and Gutters Contract C-21857 (OP #6407) and Contract C-21811 (OP #6407).**

Resolved by The City Council of The City of Minneapolis:

That Contract No C-21857, OP 6407, with Standard Sidewalk, Inc., be increased in the amount of \$400,203, for a new contract total of \$1,696,518; and

That Contract No C-21811, OP 6407, with Ti-Zack Concrete, Inc., be increased in the amount of \$134,190.22, for a new contract total of \$895,275.22.

Adopted 8/19/05.

**RESOLUTION 2005R-481**  
**By Colvin Roy and Johnson**

**Amending The 2005 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in the PW-Streets and Malls-Capital Agency in the Permanent Improvement Projects Fund (4100-937-9390) and increasing the revenue source (4100-937-9390-3650) by \$89,900.

Adopted 8/19/05.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No. 6476 from LS Black Constructors, Inc., in the amount of \$397,121.85, to furnish and deliver all labor, materials, equipment, and incidentals necessary for the construction of the Chicago Avenue Plaza, Phase 2B.

Your Committee further recommends that the proper City Officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petn. No. 270611)

Adopted 8/19/05.

Approved by Mayor Rybak 8/22/05.

Published 8/23/05

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to amend the Master Agreement between the City of Minneapolis and Creighton, Bradley & Guzzetta, LLC (now known as Bradley & Guzzetta, LLC) for legal services for the period of January 1, 2004 through December 31, 2006 so that the cost for said agreement not exceed \$600,000 for the three year period.

Adopted 8/19/05.

**W&M/Budget** - Your Committee recommends adoption of the accompanying Resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 8/19/05.

Resolution 2005R-482, authorizing settlement of the legal claims of Richard Davis, Victoria Turner, Bernard Harris and Monica Ford, Robert Smith, and Douglas Torelle, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-482**  
**By Johnson**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following:

a) Richard Davis, by payment of \$26,000 to Mr. Richard Davis and his attorney, Schwebel, Goetz & Sieben, P.A.;

b) Victoria Turner, by payment of \$35,000 to Ms. Victoria Turner and her attorney, Kane Crumley Law Firm;

c) Harris et. al. v. Ochs et. al., by payment of \$9,500 to Mr. Bernard Harris and Ms. Monica Ford and their attorney, David Shulman;

d) Robert G. Smith, by payment of \$10,000, payable to Mr. Robert G. Smith and his attorney Joel Fisher;

e) Douglas Torelle, by payment of \$2,000, payable to Mr. Douglas Torelle and his attorney, Justin Silcox; and

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 8/19/05.

**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to enter into a 60-day contract extension with West Group for on-line legal research services.

Johnson moved to amend the report by deleting the language "60-day contract extension with West Group for on-line legal research services" and inserting in lieu thereof "90-day contract extension with West Group for on-line legal research services, contingent upon review and approval by the Permanent Review Committee." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/19/05.

Declining to vote - Benson.

**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals (RFP), for technology infrastructure managed services to host the TriTech Computer-Aided Dispatch System, contingent on a Permanent Review Committee (PRC) approval.

Adopted 8/19/05.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution amending the 2005 General Appropriation Resolution by amending footnote "p".  
Adopted 8/19/05.

**RESOLUTION 2005R-483**

**By Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended to change footnote "p" to read as follows:

"p) That proper City officers be authorized to execute or amend contracts to carry out the intent of the 2005 Consolidated Plan program allocations, as further detailed in the 2005 Adopted Budget book, Section 6 Financial Schedules, Schedule 4 - CDBG Program, to include CDBG, HOME, ADDI, ESG, and HOPWA entitlement grants."

Adopted 8/19/05.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 8/19/05.

Approved by Mayor Rybak 8/22/05.

(Published 8/23/05)

Resolution 2005R-484, approving construction change orders for contracts related to the New Central Library Project, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-484**

**By Johnson**

**Approving Change Orders for the New Central Library Project.**

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

a) Change Order No. 3 increasing Contract Number C-20306 with LeJeune Steel Company by \$123,368;

b) Change Order No. 4 increasing Contract Number C-20306 with LeJeune Steel Company by \$209,847;

c) Change Order No. 5 increasing Contract Number C-20306 with LeJeune Steel Company by \$39,587;

d) Change Order No. 3 increasing Contract Number C-20345 with E. R. Berwald Roofing Company by \$205,791; and

e) Change Order No. 1 increasing Contract Number C-21852 with PCL Construction Services, Inc. by \$158,713.

Adopted 8/19/05.

Approved by Mayor Rybak 8/22/05.

**W&M/Budget** - Your Committee recommends that the action of the City Council of February 1, 2002 establishing a hiring and promotion freeze for all city departments be and is hereby rescinded.

Adopted 8/19/05.

**W&M/Budget** - Your Committee recommends approval of the September 2005 utility billing insert on behalf of the Minneapolis Water Works division of Public Works providing information about the improvement of water quality due to the commissioning of the new Ultra-filtration Plant in Columbia Heights.

Adopted 8/19/05.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Emergency Communications Department that the proper City officers be authorized to offer Step 4 to Step 8 of the Customer Service Agent I, Customer Service Agent II, and 311 Call Center Supervisor salary schedules to finalists for those positions through December 31, 2006 as set forth in Petn No 270618 on file in the Office of the City Clerk.

Adopted 8/19/05.

**W&M/Budget** - Your Committee recommends approval of the recommendation of the Director of Human Resources regarding the position, Assistant Director, 311 Call Center (evaluated at grade 12 with 568 points), effective August 15, 2005.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said position.

Adopted 8/19/05.

Ordinance 2005-Or-071 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the position of Assistant Director, 311 Call Center, was adopted 8/19/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-071**  
**By Johnson**  
**1st & 2nd Readings: 8/19/05**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)**  
**Effective: August 15, 2005**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Assistant Director, 311 Call Center	A	\$77,629	\$81,715	\$84,166	\$85,800

Adopted 8/19/05.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving a revised policy for department acceptance by the City Council of gifts less than \$1,000.

Adopted 8/19/05.

Resolution 2005R-485, approving a revised policy relating to acceptance of gifts less than \$1,000, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-485**  
**By Johnson**

**Approving a revised policy relating to acceptance of gifts less than \$1,000.**

Resolved by The City Council of The City of Minneapolis:

That the following gift acceptance policy be approved:

Any gifts with a value of \$1,000 or less can be received by individual City departments with written notice to the Finance Officer or his/her designee. The Finance Department shall submit a quarterly gift report to the City Council's Ways and Means Committee for approval. The department may not use the gift until it has been approved by a two-thirds vote of the City Council.

The quarterly gift report shall contain the following information on each donation:

1. Name of recipient department
2. Name of entity making gift
3. Description of gift (including value of gift, date received and special designations on gift, if any)
4. Funding strings for revenue and expense appropriation increases

For any gifts with a value exceeding \$1,000, the recipient department shall submit a request for authorization to accept the gift to the City Council's Ways & Means Committee directly.

Adopted 8/19/05.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the appeal filed by Le Parisien, LLC, from the decision of the Planning Commission which denied the site plan review application for a proposed mixed-use, commercial-residential development at 2301-09 Lyndale Ave S, now recommends that said appeal be granted, and that the revised site plan submitted 8/11/05 be approved.

Zimmermann moved to amend the report by deleting the language, "submitted 8/11/05 be approved" and inserting in lieu thereof, "submitted 8/11/05 be amended to show a van accessible handicapped stall on the exterior of the building, and approved with alternative compliance." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/19/05.

Approved by Mayor Rybak 8/22/05.

(Published 8/23/05)

**Z&P** - Your Committee, having under consideration the appeal filed by Michael West from the decision of the Board of Adjustment denying an application for variance to reduce the required front yard setback along 26<sup>th</sup> Ave S from 31' to 25' to allow an enclosed porch addition to the front of the house at 5350 – 26<sup>th</sup> Ave S, now recommends that said appeal be granted and the variance be approved.

Adopted 8/19/05.

**Z&P** - Your Committee, having under consideration the appeal filed by Karen Marty, on behalf of Joe Welp, from the decision of the Board of Adjustment upholding the Zoning Administrator's decision that the expansion of habitable space into the attic and basement of a residential structure with seven dwelling units and one rooming unit requires an Expansion of Nonconforming Use for property at 421 – 6<sup>th</sup> St SE, now recommends that said appeal be denied and the decision of the Zoning Administrator be upheld.

Adopted 8/19/05.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Jaime Mathwig, with Olin 3, LLC (BZZ-2330) to rezone the properties at 5236 and 5238 Minnehaha Ave from R1A to the OR2 District and property at 5248 Minnehaha Ave from C2 to the OR2 District to permit a 48-unit condominium development, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 8/19/05.

Ordinance 2005-Or-072, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 5236, 5238 and 5248 Minnehaha Ave to the OR2 District, was adopted 8/19/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-072**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 8/19/05**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Lots 8, 9, 10, 11 and 12, Block 1, Sunrise Park Addition to Minneapolis, Hennepin County, Minnesota (5236, 5238 and 5248 Minnehaha Ave - Plate 40) to the OR2 District.

Adopted 8/19/05.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Richard and Sheila Nichols (BZZ-2395) to rezone the properties at 2415, 2419 and 2423 – 2<sup>nd</sup> St NE from R2B and C1 to the R4 District to permit a two-story, 12-unit owner-occupied condominium development, notwithstanding the staff recommendation, and adopting the related findings prepared by the City Planning Commission.

Adopted 8/19/05.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Brian Hols, with Mainstreet Bank (BZZ-2399) to rezone the property at 2120 Hennepin Ave S from C1 to the C2 District to permit a bank with a drive-through facility, notwithstanding the staff recommendation, and adopting the related findings prepared by the City Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 8/19/05.

Ordinance 2005-Or-073, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2120 Hennepin Ave S to the C2 District, was adopted 8/19/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.



The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-073**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 8/19/05**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Lots 10, 11 EX ST, Block 1, Brewsters Addition to Minneapolis, Hennepin County, Minnesota (2120 Hennepin Ave S - Plate 18) to the C2 District.

Adopted 8/19/05.

**Z&P** - Your Committee, having under consideration the environmental review process for the proposal by Shamrock Development, Inc, for the Eclipse Condominium Development at 240 and 258 Hennepin Ave, and having received the recommendation of Community Planning & Economic Development staff that the Environmental Assessment Worksheet is adequate, now recommends that the Council make a negative declaration on the need for an Environmental Impact Statement (EIS) and not require the preparation of an EIS, and that the Findings of Fact and Record of Decision document be adopted.

Adopted 8/19/05.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission in granting the application of Shamrock Development, Inc to vacate part of an "L" shaped alley east of 1<sup>st</sup> Ave N, south of Washington Ave N, west of Hennepin Ave and north of 3<sup>rd</sup> St N to permit two residential towers to be developed in phases of 180 and 323 residential units (Eclipse Condominium Development, 240 and 258 Hennepin Ave), subject to retention of easement rights, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said alley.

Adopted 8/19/05.

Resolution 2005R-486, vacating that part of the public alley, heretofore not vacated, as originally dedicated in Block 54, Town of Minneapolis and replatted in Auditors Subdivision No. 137 lying adjacent to Lots 171 through 175, 178, 180, 181, 182, 187 and 188, said Auditors Subdivision No. 137, and also; That part of the public alley in said Auditors Subdivision No. 137 as conveyed to the City of Minneapolis and recorded in the Registrar of Titles as Document No. 751008, on December 10<sup>th</sup>, 1963 (vicinity of 240 and 258 Hennepin Ave), was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-486**  
**By Schiff**

**Vacating that part of the public alley, heretofore not vacated, as originally dedicated in Block 54, Town of Minneapolis and replatted in Auditors Subdivision No. 137 lying adjacent to Lots 171 through 175, 178, 180, 181, 182, 187 and 188, said Auditors Subdivision No. 137, and also; That part of the public alley in said Auditors Subdivision No. 137 as conveyed to the City of Minneapolis and recorded in the Registrar of Titles as Document No. 751008, on December 10<sup>th</sup>, 1963 (Vacation File No. 1459).**

Resolved by The City Council of The City of Minneapolis:

That all that part of the public alley described as follows:

PROPERTY TO HAVE PERPETUAL EASEMENT FOR ALLEY PURPOSES EXTINGUISHED (easement created by Torrens Doc. No. 751008): The Southwesterly 15 feet of Lots 181 and 182; the Southwesterly 15 feet of the vacated alley adjacent to the Southeasterly line of Lot 181; the Northwesterly 10 feet of Lots 172 and 173; that part of the Northwesterly 10 feet of Lot 171, lying Southwesterly of a line drawn parallel with and 15 feet Northeasterly of the extension of the Southwesterly line of Lot 181; all in Auditor's Subdivision Number 137, Hennepin County, Minnesota;

ALLEYS CREATED BY PLAT OF TOWN OF MINNEAPOLIS TO BE VACATED: That part of the alleys lying within Block 54, Town of Minneapolis, as given, donated and conveyed to the public, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows: Beginning at the most southerly corner of Lot 178, Auditor's Subdivision Number 137, according to the recorded plat thereof; thence northeasterly along the southeasterly line of said Lot 178 to the most easterly corner of said Lot 178; thence northwesterly along the northeasterly line of said Lot 178 and Lot 180, said Auditor's Subdivision Number 137 to the most northerly corner of said Lot 180; thence northeasterly to the most westerly corner of Lot 187, said Auditor's Subdivision Number 137; thence southeasterly along the southwesterly line of Lots 187, 182, 181, said Auditor's Subdivision Number 137 and the southeasterly extension thereof, to the southeasterly line of the alley running northeasterly and southwesterly through said Block 54; thence southwesterly to the most westerly corner of Lot 188, said Auditor's Subdivision Number 137; thence northwesterly to the point of beginning; is hereby vacated except that such vacation shall not affect the existing easement right and authority of Qwest, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to said corporation(s) as follows, to wit:

As to Qwest: That part of the alley adjacent to and between Lots 180 and 187, Auditors Subdivision No. 137, approximately 16 feet wide running from the southeasterly right-of-way line of 1<sup>st</sup> Avenue North to a point approximately 105 feet southeasterly from said right-of-way line, to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 8/19/05.

## MOTIONS

Niziolek introduced the subject matter of an ordinance amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Regulations*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (conforming to new State law allowing off sale liquor store closing times at 10:00 p.m. each night of the week).

Niziolek introduced the subject matter of an ordinance amending Title 14, Chapter 368 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Beer Regulations*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (conforming to new State law allowing 3.2% beer establishments to open at 10:00 a.m. on Sundays)

Lilligren introduced the subject matter of an ordinance amending Title 16, Chapter 419 of the Minneapolis Code of Ordinances relating to *Neighborhood Revitalization Program*, which was given its first reading and referred to the Community Development and Ways & Means/Budget Committees (amending the NRP Ordinance to reflect the NRP Program Income Policy).

Goodman introduced the subject matter of an ordinance amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to *Zoning Code: Accessory Uses and Structures*, which was given its first reading and referred to the Zoning & Planning Committee (amending Section 537.110 to allow flexible scheduling in hours of operation for emergency homeless shelters).

Schiff introduced the subject matter of an ordinance amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances related to *Streets and Sidewalks, Block Club Events*, which was given its first reading and referred to the Transportation & Public Works Committee (expanding hours of operation for block events).

## **RESOLUTIONS**

Resolution 2005R-487, honoring Pastor Charles Ford, was adopted 8/19/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### **RESOLUTION 2005R-487**

**By Samuels**

#### **Honoring Pastor Charles Ford.**

Whereas, as of August 19, 2005 Pastor Charles Ford has served as Pastor of Berean Missionary Baptist Church since March of 1985; and,

Whereas, Pastor Charles Ford has worked tirelessly for the Hawthorne community and North Minneapolis; and,

Whereas, Pastor Charles Ford has served as a mentor and a positive African-American role model to young men in the Minneapolis Public Schools and with the Opportunities Industrialization Center (OIC); and,

Whereas, Pastor Charles Ford has established the following Ministries thorough Berean Missionary Baptist Church; Marital Counseling, Service in the Park, Street Outreach Ministry, Feed the Poor Ministry, Prison Ministry and Alcohol and Drug Ministry; and,

Whereas, Pastor Charles Ford serves as President of the Collaborative Council at North Star School and has served on the Hawthorne Area Community Council Board; and

Whereas, Pastor Charles Ford is a visionary and has been the driving force behind the growth and beautification of the Berean Missionary Baptist Church, its members and the surrounding community; and,

Whereas, such dedication to the neighborhood for such a long and important period is deserving of special celebration and recognition,

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That all that the Minneapolis City Council wishes to convey our deep appreciation and recognition for Pastor Charles Ford's many years of invaluable service and visionary leadership to our community.

Adopted 8/19/05.

Colvin Roy moved that the Resolution naming the Midtown Greenway over Hiawatha Avenue Bridge "The Martin Olav Sabo Bridge" be referred to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote 8/19/05.

**NEW BUSINESS**

Niziolek introduced an ordinance amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (authorizing inspectors and code compliance officers within the Environmental Management & Safety Division of Regulatory Services to utilize administrative enforcement).

Niziolek introduced an ordinance amending Title 1, Chapter 1 of the Minneapolis Code of Ordinances relating to *General Provisions: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (adding Section 1.120 to establish a default reinspection fee structure and process; and granting authority to inspectors and code compliance officers in Regulatory Services to issue reinspection fees).

Johnson introduced an ordinance repealing Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees, Article III Electrical Permit Fees*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee.

Johnson introduced an ordinance repealing Title 5, Chapter 99 of the Minneapolis Code of Ordinances relating to *Building Code: Electricity, Article I Generally & Article II Permits & Licenses*, which was given its reading and referred to the Public Safety & Regulatory Services Committee.

Niziolek introduced an ordinance amending Title 4, Chapter 65 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Ferrets*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (allowing rabbits to be a licensed animal, instead of requiring a permit for ownership, and amending the license fees for ferrets and rabbits).

Niziolek introduced an ordinance amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Rabies Control*, which was given first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 66.50 to include ferrets).

Niziolek introduced an ordinance amending Title 4, Chapter 70 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Fowl, Pigeons, Rabbits and Other Small Animals*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 70.10 to exclude rabbits as an animal eligible for a permit).

Ostrow moved to adjourn to Room 315 City Hall to consider the following matters: a) Sherif Mansour v. G. T. Moore, et al.; and b) Phyllis Kahn, et al. v. Susanne Griffin, City of Minneapolis Director of Elections. Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

August 19, 2005 – 11:10 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present – Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Lane, Samuels, Johnson, Ostrow.

Absent – Colvin Roy, Johnson Lee, Goodman.

Peter Ginder, Deputy City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the cases of a) Sherif Mansour v. G. T. Moore, et al.; and b) Phyllis Kahn, et al. v. Susanne Griffin, City of Minneapolis Director of Elections.

At 11:11 a.m., Lilligren moved that the meeting be closed. Seconded.  
Adopted upon a voice vote.

Present – Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Lane, Samuels, Johnson, Ostrow.

Absent – Colvin Roy, Johnson Lee, Goodman.

Also present – Peter Ginder, Deputy City Attorney; Jim Moore and Charles Brown, Assistant City Attorneys; Don Harris, Deputy Police Chief; Peter Wagenius, Mayor's office; Merry Keefe, City Clerk; and Julie Bartell, City Clerk's office.

Brown summarized the Sherif Mansour v. G.T. Moore, et al. lawsuit from 11:12 a.m. to 11:25 a.m.

At 11:13 a.m., Goodman and Peter Wagenius entered the meeting room.

At 11:15 a.m., Colvin Roy entered the meeting room.

Moore summarized the Phyllis Kahn, et al. v. Susanne Griffin, Minneapolis Director of Elections from 11:35 to 11:48 a.m.

At 11:53 a.m., Lilligren moved that the meeting be opened. Seconded.  
Adopted upon a voice vote.

Lilligren moved that the City Attorney be authorized to settle the case of Sherif Mansour v. G.T. Moore, et al., United States District Court File No. 04-03319 MJD/JGL in the amount of \$35,000 payable from Fund/Org 6900 150 1500 4000 and that the City Attorney's Office be authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 8/19/05.

Absent – Johnson Lee.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.  
Adopted by unanimous consent.

Merry Keefe,  
City Clerk.

Unofficial Posting: 8/19/2005  
Official Posting: 8/24/2005  
Corrections: 9/01/2005;  
9/25/2005